(22) (23)

HIGH COURT OF CHHATTISGARH AT BILASPUR
WRIT PETITION (S) NO. 3839 of 2007

Petitioner Sudarshan Prasad Dansena S/o Shri Gaeshram Dansena, Aged about 48 years, R/o Behind B.R. Cold Storage, Kangoli Road, Jagdalpur (Chhattisgarh).

Versus

Respondents

1. State of Chhattisgarh Through : Secretary, Scheduled Caste, Scheduled Tribe and Backward Class Welfare Department, D.K.S. Bhawan, Mantralaya, Raipur (CG)
2. The Commissioner, Tribal Development, Raipur (CG)
3. The Secretary, Mata Rukamani Sewa Santhan Samiti, Dimrapal, Tah. & District: Jagdalpur (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Single Bench : Hon'ble Shri Justice **Satish K. Agnihotri**

Mr. S.P. Kale, Advocate for the Petitioner.
Mr. A.S. Kachhawaha, Govt. Advocate for the respondents No. 1 and 2/State.

ORDER
(Passed on this 4th day of July, 2007)

1. Learned counsel appearing for the petitioner submits that the petitioner is a teacher working in the respondent No. 3 Institute. The petitioner is entitled to grant of the Fifth Pay Commission in the light of the judgment and order dated 6.2.2007 passed by this Court in the case of **Smt. A.Lall Vs. State of Chhattisgarh & Others (W.P. No. 4108 of 2005)** with other connected matters.

2. Learned counsel further submits that this case is squarely covered on facts as well as on question of law by the decision of this Court

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in the matter of **Smt. A.Lall Vs. State of Chhattisgarh & Others and other connected matters** (supra).

3. Learned counsel appearing for the respondents No. 1 and 2/State submits that the petitioner has not filed any document indicating asto whether the petitioner is appointed within the sanctioned post and the school is Government aided.

4. In view of that, the writ petition is allowed in the same terms passed by this Court in the matter of **Smt. A.Lall Vs. State of Chhattisgarh & Others and other connected matters** (supra), subject to verification asto whether the respondent No. 3 Institute is a Government aided school and the petitioner is a teacher within the sanctioned strength.

Sd/-
Satish K. Agnihotri
Judge

B/-